

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

TROY H. BRADFORD, et al.

PLAINTIFFS

V.

NO. 05-CV-4075

UNION PACIFIC RAILROAD COMPANY

DEFENDANT

FINAL SCHEDULING ORDER

This case is set for jury trial in TEXARKANA, ARKANSAS, at the call of the court during the week beginning **February 20, 2007, at 9:00 a.m.** Counsel and unrepresented parties are directed to report to the Judge's chambers at **8:00 a.m.** on the date of trial unless otherwise notified.

Effective August 15, 2005, all documents filed with the United States District Court for the Western District of Arkansas must be filed electronically. To register as a CM/ECF user, review the CM/ECF Administrative Policies and Procedures and to learn more about electronic filing, consult the court's web site at **www.arwd.uscourts.gov**.

Parties are directed to comply with the following schedule:

1. Discovery.

As agreed by the parties, the discovery cutoff is set forth in the "Discovery Plan" or no later than **sixty (60)** days before trial. No discovery will be initiated after the discovery cutoff date without either the mutual agreement of the parties or leave of the court being obtained. Depositions, including depositions for use as evidence, must be completed prior to the discovery cutoff date.

2. Motions.

Motions for class certification shall be electronically filed **no later than ninety (90) days after the Fed.R.Civ.P.26(f) conference.**

Motions to amend pleadings or to join other parties shall be electronically filed **as soon as counsel can determine that they are necessary, however, no later than ninety (90) days prior to trial**, unless good cause is shown for delay.

Objections to any depositions or videotapes which will be used at trial, together with motions in limine, shall be made in writing and shall be electronically filed no later than **fourteen (14)** days prior to trial.

Summary judgment motions and motions to dismiss **must be electronically filed no later than sixty (60) days prior to trial**.

All other motions shall be electronically filed **no later than thirty (30) days prior to trial** unless good cause is shown for delay.

While the Fed.R.Civ.P. does not provide for the filing of reply briefs, the court may consider a reply if filed before issuance of a decision on the pending motion.

3. Expert Disclosure.

Unless otherwise stipulated by the parties, expert disclosure must be made no later than **ninety (90)** days prior to the scheduled trial date and rebuttal expert disclosure must be made within **thirty (30)** days thereafter.

4. Pretrial Disclosure Sheets.

Pretrial disclosure sheets are due **thirty (30)** days before trial. An outline for the pretrial disclosure sheet is in Local Rule 26.2, which may be found on the court's website at **www.arwd.uscourts.gov**. Pretrial disclosure sheets must be electronically filed. Objections to the pretrial disclosure sheets must be electronically filed within **fourteen (14)** days after the filing of the pretrial disclosure sheets. Consult Fed.R.Civ.P. 26(a)(3) for the type of objections which may be made and the type of objections which will be deemed waived if not raised.

If any party anticipates the trial will take more than **three (3)** days, the court should be immediately notified by sending an e-mail to **HFBinfo@arwd.uscourts.gov**.

5. Jury Instructions/Proposed Findings of Fact and Conclusions of Law.

In all jury cases, proposed instructions shall be submitted to the court at **HFBinfo@arwd.uscourts.gov** in word processing format, with copies to other counsel, no later

than **fourteen (14)** days prior to the scheduled trial date. Citations of authority for any instruction requested shall be made either on the instruction or by separate statement. In non-jury cases, proposed findings of fact and conclusions of law must be submitted to the court at **HFBinfo@arwd.uscourts.gov**, in PDF format no later than **fourteen (14)** days prior to the scheduled trial date.

6. Jury Selection.

All civil jury trials shall be to an **eight (8)** person jury unless otherwise ordered by the court upon written request made by a party pursuant to Federal Rule of Civil Procedure 38.

7. Exhibits.

Counsel are directed to mark and exchange all exhibits prior to trial. Exhibits are to be listed in numerical sequence, with notations as to which exhibits, if any, will be admitted by stipulation of the parties. The **AO187 - Exhibit and Witness List** may be found on the court's website at **www.arwd.uscourts.gov** under the category "Online Forms". The Exhibit and Witness List must be delivered to the courtroom deputy and the court reporter **thirty (30) minutes** prior to trial.

8. Settlement.

In the event of settlement, the court should be advised by notifying courtroom deputy Robin Gray or law clerks, Corey McGaha, Susan Hickey and Will Crowder, at (870) 862-1303. However, a case will not be removed from the trial docket until an order of disposition is entered by the court, and if no such order is entered by the time the matter is reached for trial, it will be called for trial and tried or otherwise disposed.

9. Alternative Dispute Resolution.

By Congressional action, the court is compelled to offer an alternate form of dispute resolution. Honorable Bobby E. Shepherd and Honorable Beverly Stites-Jones, Magistrate Judges for the Western District of Arkansas, are available to conduct settlement conferences at the request of the litigants. The request should be made directly to the office of the Magistrate Judge **no later than thirty (30) days prior to the trial date**. These proceedings have proven to be beneficial to

the parties even if settlement is not achieved. **Counsel are strongly encouraged to participate in a settlement conference prior to the trial date.**

10. Notice to counsel Re Faxed Materials.

You are notified that you are not to transmit to this court by facsimile machine any pleadings or other papers unless prior arrangements are made with a member of the staff of this court or the staff of the clerk of the court. Materials are not to be transmitted by this method except in the case of genuine emergencies, and the fact that counsel have not timely made such filings or submitted such materials before the applicable "deadline" will not be considered an "emergency" except for good cause shown for such delay. Pleadings or other materials transmitted by this method without prior approval will not be considered to be "filed" or "received" for any purpose.

11. Continuances.

No continuances will be granted except for good cause shown. That discovery is not complete or that parties are otherwise not ready for trial will not normally be considered good cause.

IT IS SO ORDERED this 16th day of May, 2006

/s/ Harry F. Barnes
HARRY F. BARNES
UNITED STATES DISTRICT JUDGE